



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Zhaoda Zhang et al.

Art Unit : 1618

Serial No. : 10/786,791

Examiner : Dameron Levest Jones

Filed : February 25, 2004

Title : PEPTIDE-BASED MULTIMERIC TARGETED CONTRAST AGENTS

**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the action mailed June 29, 2005, Applicants elect the invention of Group I, claims 10-23, 27-33, 56-65, and 68-77, drawn to the embodiment of peptide sequences and uses thereof wherein the sequence comprises P-Y-X-L, wherein X is Gly or Asp. Under 35 U.S.C. § 121, Applicants elect the species of **Structure 36**, as described more fully below. The election, however, is made with traverse for the following reasons.

The present claims are directed to methods of making MR imaging agents. None of the pending claims recite peptide sequences as limitations in the methods, particularly a sequence P-Y-X-L, wherein X is Gly or Asp. Applicants respectfully note that the present specification, but not the pending claims, discloses peptide sequences  $P^* - Y^* - X_1^* - L^*$  (SEQ ID NO:1), wherein  $P^*$  is a proline or a non-natural derivative thereof;  $Y^*$  is a tyrosine or a non-natural derivative thereof;  $X_1^*$  is G or D or a non-natural derivative of G or D;  $L^*$  is a leucine or a non-natural derivative thereof; and wherein at least one of  $P^*$ ,  $Y^*$ ,  $X_1^*$ , and  $L^*$  is a non-natural derivative of the respective amino acid. Applicants reiterate, however, that the present claims do not recite peptide sequences as limitations.

When Applicants' representative telephoned the Examiner during the week of July 28, 2005 to discuss this point, the Examiner asserted that, in order for the Examiner to withdraw or modify the restriction requirement, the Applicants would need to acknowledge that any art that the Examiner found with respect to any peptide sequence would render all of the present claims obvious. Applicants respectfully disagree. This traversal in no way admits the obviousness of any of the methods using any of the peptide sequences. The Applicants are merely pointing out to the Examiner that she is not only importing a limitation into the claims (*i.e.*, a particular